IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.3063 OF 2006

Nazir Ahmed Mohd. Islam & anr. .. Petitioners.
Vs.
The State of Maharashtra & Ors. ..Respondents.

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Mr. Ditendra Mishra for the Petitioners.
Mr. Niranjan Pandit, AGP for Respondent Nos.1 and 2.
Mr. Abhijeet Wagh for Respondent No.3.
Mr. A.S. Mungekar for Respondent No.4.
Mr. Jitendra Sachdev for Respondent 5.

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CORAM: DR. D.Y. CHANDRACHUD, J.

18th December, 2006.

P.C. :

1. The Petitioner has moved these proceedings under Article 226 of the Constitution for seeking the allotment of alternative premises in the slum redevelopment scheme that has been undertaken by the Fourth Respondent at S. G. Barve Marg, Nehru Nagar, Kurla (East), Mumbai 400 024. At the hearing of the Petition, the learned AGP appearing on behalf of the First and Second Respondents has placed on the record a copy of Annexure II, being

the list of occupants certified as being eligible to participate in the slum rehabilitation scheme. The name of the Petitioner appears at Sr. No.60 and the Petitioner has been held to be eligible for the allotment of residential premises. The Petitioner had sought the allotment of commercial – cum – residential premises and had submitted a representation to the Second Respondent. By an order dated 24th November, 2006 the representation came to be rejected. The Second Respondent has considered the material produced by the Petitioner and has come to the conclusion that the Petitioner has been unable to establish that the earlier premises were being used for commercial purposes, in addition to a residential purpose.

2. Counsel appearing on behalf of the co-operative society and the developer, the Fourth and Fifth Respondents respectively, have stated before the Court that permanent alternative accommodation being tenement 701 on the Seventh Floor of G wing has been allotted to the Petitioner in pursuance of the allotment that was made by the draw of lots. Counsel appearing for the Fourth and Fifth Respondents have also stated before the Court that an

occupation certificate in respect of the alternate accommodation has already been obtained and that water and electric connections have also been made available. In the circumstances, counsel appearing for the Petitioner and counsel appearing for the Fourth and Fifth Respondents who are the contesting parties have requested the Court to issue the following directions by consent in order to meet the grievance of the Petitioner :

i) Within a period of one week from today, the Fourth and Fifth Respondents agree to enter into an agreement as required by law with the Petitioner in respect of the permanent alternate accommodation being tenement No.701 in G wing. The Fourth and Fifth Respondents have stated before the Court that the possession of the premises has already been handed over to the Petitioner on 9th November, 2006 and the Petitioner is residing therein.

The Petition is accordingly disposed of.

There shall be no order as to costs.